

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

RAY C. LOMACK,)	
)	
Plaintiff,)	
)	
v.)	1:05-CV-1212-DRB
)	[wo]
JO ANNE B. BARNHART,)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant.)	

ORDER ON MOTION

Submitted now is Defendant's Motion to Remand filed June 12, 2006, with a supporting memorandum (Docs. 16 and 17) and Plaintiff's Response to Order filed June 21, 2006 (Doc. 19).

For good cause based upon the Appeal Council's determination that remand is appropriate for additional proceedings before an administrative law judge,¹ and upon Plaintiff's consent to the requested remand, it is hereby

ORDERED that the Motion (Doc. 16) is **GRANTED** and the decision of the Commissioner is **REVERSED AND REMANDED**, pursuant to sentence four of 42 U.S.C. §405(g) for further administrative proceedings.

¹Upon receipt of the remand order, "the Appeals Council will remand this case to an ALJ who will be instructed to thoroughly evaluate Plaintiff's knee impairment. If necessary, the ALJ should either contact Plaintiff's treating physician or arrange for a consultative examination to determine how, if at all, Plaintiff's knee impairment affected his ability to work. Based on this information, the ALJ should formulate a thorough RFC. The ALJ should also revisit his analysis of Plaintiff's credibility with respect to his allegations of knee pain, and take Plaintiff's surgery into consideration." (Def's Mem. at 1)(Doc. 17).

The final judgment requested in the supporting memorandum will be entered.²

Done this 22nd day of June, 2006.

/s/ Delores R. Boyd
DELORES R. BOYD
UNITED STATES MAGISTRATE JUDGE

²Entry of the final judgment reversing and remanding this case will begin the appeal period which determines the 30-day period during which time a timely application for attorney fees under the Equal Access to Justice Act may be filed. (*Def's Mem.* at 2).